

¹Petitioner filed an exhibit that showed that he filed a motion for application for transfer to the Missouri Supreme Court on November 2, 2006. Petition at 7-15. The Missouri Supreme Court denied the application on December 19, 2006. *State v. Carroll*, Case No. SC88117 (docket sheet accessed via Case.Net,


post-conviction relief in the Missouri courts until May 19, 2008.² Under these facts, petitioner's statute of limitations for filing the instant petition ran on approximately March 19, 2008. Because the instant petition was not filed until September 30, 2008, it is barred by the statute of limitations set forth in 28 U.S.C. § 2244(d). As a result, the Court will dismiss the petition without further proceedings. See Rule 4 of the Rules Governing Habeas Corpus Petitions Under 28 U.S.C. § 2254.

Accordingly,

IT IS HEREBY ORDERED that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 8th day of January, 2009.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

<https://www.courts.mo.gov/casenet/base/welcome.do>).

²See Petition at 6. Although petitioner indicates that this was his “second” Rule 29.15 motion, he does not give any date on which he allegedly filed a previous 29.15 motion.